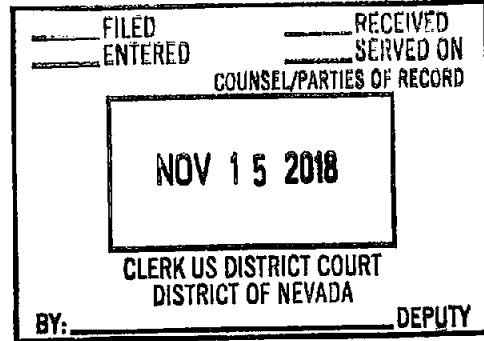


*Brian Wright*

N.S.D.C.

2190 E. Mesquite Ave.

Pahrump, Nevada 89060



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\*\*\*

UNITED STATES OF AMERICA

Plaintiff,

vs.

*Brian Wright,*

Defendant.

Case No.: 2:17-cr-160-JAD-VCF

**EX-PARTE MOTION FOR SUBPOENA**

**TO BE ISSUED**

**amendment to the duces tecum**

**CERTIFICATION:** This Motion is being filed timely.

Comes Now, *Brian Wright*, in Pro Se, hereby file's this Ex Parte motion to the magistrate judge to grant the issuance of subpoena's and please add this as a amended version of the duces tecum, Wright pres this court grants all witnesses to testify as well as all documents named in the duces tecum to be produced. under Rule 17(C) and (b) which states: Defendant Unable to Pay. Upon a defendant's ex parte application, the court must order that a subpoena be issued for a named witness if the defendant shows an inability to pay the witness's fees and the necessity of the witness's presence for an adequate

1 defense. If the court orders a subpoena to be issued, the process costs and witness fees will be paid in  
2 the same manner as those paid for witnesses the government subpoenas.

3 No person, even United States President, is above law and in appropriate judicial proceedings,  
4 documents and other tangible evidence within very office of President of United States may be  
5 obtained for use in judicial proceedings by indigent defendant under Rule 17(b). United States v  
6 Fromme (1975, ED Cal) 405 F Supp 578.

7 Trial court's discretion in granting Rule 17(b) motion is limited only by defendant's Sixth  
8 Amendment right to protection against unreasonable discrimination; test to be used is that if  
9 defendant avers facts which, if true, would be relevant to any issue in case, subpoena request must  
10 be granted. United States v Bowman (1981, CA5 La) 636 F.2d 1003.

11 Here, defendant Wright filed an ex-parte motion for witnesses and documents to be produced for  
12 trial and magistrate judge farenbach did not respond to the request for documents so defendant  
13 files another request for both the documents requested and all witnesses which are relevant to  
14 major issues in this case. Wright request that subpeonas be issued to Larry Smith who is an exoert  
15 in digital forensics, Larry Smith's testimony will be needed to prove the government s pin, track,  
16 trace location evidence is not reliable. Wright also request a subpeona to Cindy Hull who in which  
17 this court knows she is the fingerprint expert who debunked the governments false print evidence  
18 against Wright. Cindy Hull's testimony will be consistant to her report which is needed to prove  
19 that the governments alleged fingerprint is inconclusive. Wright also request agent chad fitzgerald  
20 be subpeona'd as Wright stated before agent fitzgerald was an investigator in Wrights case and he  
21 authored a phone report. Wright needs fitzgerald to be subpeona'd in order to prove that these calls  
22 in fact never occurred. And Wright also request Deandre Brown to be subpeona'd to trial Brown is  
23 Wrights co-defendant and Brown is needed to testify to his affidavit that states Wright had nothing  
24 to do with these robberies and that Wright did not conspire or aid and abbett any charges in the  
25 indictment. Brown has already filed an affidavit stating that wright did not committ any of the  
26 charges in the indictment and his testimony is needed to prove Wrights innocence. Also Wright

1 request David Miller to be subpoena, miller was the first investigator in this case and has drafted e-  
2 mails in regards to the governments fingerpring evidence. David Miller's testimony is needed  
3 because he was the first investigor of this case and he can testify to how and when Wright got  
4 added to the case and miller is the author of some questionable e-mails in this case and his  
5 testimony is needed to elaborate on those issues. Wright also request that Eric Sohota be issued a  
6 subpeopna to testify at Wrights trial. Sohota's testimony is needed in order to prove that he in fact  
7 falsified the fingerprint against Wright and the fingerprint is in fact someone elses. All said  
8 witnesses are important and will be needed to testify at trial in order to stop a miscarraige of  
9 justice. Trial court's discretion in granting Rule 17(b) motion is limited only by defendant's Sixth  
10 Amendment right to protection against unreasonable discrimination; test to be used is that if  
11 defendant avers facts which, if true, would be relevant to any issue in case, subpoena request must  
12 be granted. United States v Bowman (1981, CA5 La) 636 F.2d 1003.

CONCLUSION.

For the reasons mentioned above, I humbly pray that the Court enter an order granting this Motion. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on november 10, 2018

Respectfully submitted,

All Rights Reserved and Without Prejudice,

*Brian Wright*

Signed: 